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Commissioner John Parete
Commissioner Thomas F. Turco
Ulster County Board of Elections
284 Wall Street
Kingston, NY 12401

Dear Commissioners Parete and Turco,

At the State Board of Elections meeting on June 19, 2008, it was announced that Ulster County is considering the use of uncertified scanners in this year's election. Our organizations firmly believe that voting equipment which has not completed and passed New York State's strict certification requirements must not be used in any election, and certainly not in one as important as this year's 2008 Presidential election.

We believe a decision to use electronic voting equipment which has not completed testing and is not certified by any State or Federal agency would be an egregious error which will disenfranchise Ulster County voters.

We note the following reasons why the use of uncertified equipment would be a serious error:

- The Ballot Marking Devices which Ulster County will use for accessible voting this year do not have the required "Lot 1" software to run the scanner component. Before these components could be used, arrangements must be made to install these untested software upgrades. At the Board of Elections meeting Board staff stated several times that they were uncertain which components would be required to be upgraded, and what procedures must be followed to perform the upgrades.
- The ImageCast scanners have not passed either New York State or Federal certification testing. New York has been rightfully proud that our testing standards are among the highest in the nation. This high bar set by the state is important in safeguarding the integrity of the vote. Ulster County voters must not be allowed to vote on equipment which has not yet met these rigorous standards.
- The State Board of Elections noted in their discussion of this issue that they will not be able to provide any form of support or training for Ulster County whatsoever. In essence, Ulster County will be on its own.
- The initial testing of the Lot 1 scanner components has shown a extremely high number of defects. At the State Board meeting, the ImageCast scanners were reported to currently have over 1,000 defects against the New York State standards. It was noted by several staff members that even the current Ballot Marking Device software has problems – incorrect software versions installed, constant and repeated changes being submitted, etc. We quote Commissioner Douglas Kellner's comments at the meeting:

"ES&S and Dominion both have brought us equipment that has not been Quality Control tested before they brought it for certification to New York. That literally, thousands of

defects and failure to comply with the guidelines have been identified.”

Given that we know the Lot 1 software is currently massively failing New York’s initial testing, and Ulster county would need to use software versions which will undoubtedly contain many of these defects, using the devices in an actual election is unconscionable.

- The time frame to get the scanners up and running is far too short to guarantee that all required upgrades, procedures and training will be developed and completed in a timely fashion. Indeed, even the 5 other counties that originally considered using scanners this year have now rejected the idea, acknowledging that there is simply insufficient time to prepare.
- The State Board stated that if Ulster County were to use the scanners, they would also then be required to a 100% hand recount of ballots. But conducting a reliable and accurate hand count is not a trivial matter, indeed it takes much preparation and logistical support. Prior to the September 2008 primary a formal procedure for hand counting the ballots would need to be developed and approved by the State Board. Also, a hand count of ballots *would require at a minimum a doubling of poll workers needed on Election Day*. Indeed, these additional poll workers would need to come in AFTER the polls close to conduct the hand count on the night of the election. You must carefully consider whether or not Ulster County can find sufficient poll workers to conduct the hand count and provide a rigorous, documented hand counting methodology which would not be challenged by candidates.
- The use of uncertified equipment which does not meet New York State standards would undoubtedly provide grounds for legal challenges and litigation aimed at stopping an action that will disenfranchise Ulster County voters.

Ulster County voters must not be guinea pigs and be forced to vote on untested, uncertified systems. We strongly urge you to do what every other county in New York State has decided to do, and wait until we know that the new voting systems are able to conform to New York State Standards before using them in an election.

Sincerely,

Aimee Allaud
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